



General Assembly

January Session, 2007

Committee Bill No. 938

LCO No. 5195

05195SB00938PS_

Referred to Committee on Public Safety and Security

Introduced by:
(PS)

AN ACT LIMITING THE PURCHASE OF HANDGUNS TO ONE PER MONTH.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-33 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2007*):

3 (a) No person, firm or corporation shall sell, deliver or otherwise
4 transfer any pistol or revolver to any person who is prohibited from
5 possessing a pistol or revolver as provided in section 53a-217c.

6 (b) On and after October 1, 1995, no person may purchase or receive
7 any pistol or revolver unless such person holds a valid permit to carry
8 a pistol or revolver issued pursuant to subsection (b) of section 29-28, a
9 valid permit to sell at retail a pistol or revolver issued pursuant to
10 subsection (a) of section 29-28 or a valid eligibility certificate for a
11 pistol or revolver issued pursuant to section 29-36f or is a federal
12 marshal, parole officer or peace officer.

13 (c) No person, firm or corporation shall sell, deliver or otherwise
14 transfer any pistol or revolver except upon written application on a

15 form prescribed and furnished by the Commissioner of Public Safety.
16 Such person, firm or corporation shall insure that all questions on the
17 application are answered properly prior to releasing the pistol or
18 revolver and shall retain the application, which shall be attached to the
19 federal sale or transfer document, for at least twenty years or until
20 such vendor goes out of business. Such application shall be available
21 for inspection during normal business hours by law enforcement
22 officials. No sale, delivery or other transfer of any pistol or revolver
23 shall be made unless the person making the purchase or to whom the
24 same is delivered or transferred is personally known to the person
25 selling such pistol or revolver or making delivery or transfer thereof or
26 provides evidence of his identity in the form of a motor vehicle
27 operator's license, identity card issued pursuant to section 1-1h or
28 valid passport. No sale, delivery or other transfer of any pistol or
29 revolver shall be made until the person, firm or corporation making
30 such transfer obtains an authorization number from the Commissioner
31 of Public Safety. The Commissioner of Public Safety shall not issue
32 such an authorization number for the purchase of more than one pistol
33 or revolver within any thirty-day period, except as provided in section
34 2 of this act. Said commissioner shall perform the national instant
35 criminal background check and make a reasonable effort to determine
36 whether there is any reason that would prohibit such applicant from
37 possessing a pistol or revolver as provided in section 53a-217c. If the
38 commissioner determines the existence of such a reason, the
39 commissioner shall deny the sale and no pistol or revolver shall be
40 sold, delivered or otherwise transferred by such person, firm or
41 corporation to such applicant.

42 (d) No person, firm or corporation shall sell, deliver or otherwise
43 transfer any pistol or revolver, other than at wholesale, unless such
44 pistol or revolver is equipped with a reusable trigger lock, gun lock or
45 gun locking device appropriate for such pistol or revolver, which lock
46 or device shall be constructed of material sufficiently strong to prevent
47 it from being easily disabled and have a locking mechanism accessible
48 by key or by electronic or other mechanical accessory specific to such

49 lock or device to prevent unauthorized removal. No pistol or revolver
50 shall be loaded or contain therein any gunpowder or other explosive
51 or any bullet, ball or shell when such pistol or revolver is sold,
52 delivered or otherwise transferred.

53 (e) Upon the sale, delivery or other transfer of any pistol or revolver,
54 the person making the purchase or to whom the same is delivered or
55 transferred shall sign a receipt for such pistol or revolver which shall
56 contain the name and address of such person, the date of sale, the
57 caliber, make, model and manufacturer's number and a general
58 description of such pistol or revolver, the identification number of
59 such person's permit to carry pistols or revolvers, issued pursuant to
60 subsection (b) of section 29-28, permit to sell at retail pistols or
61 revolvers, issued pursuant to subsection (a) of said section, or
62 eligibility certificate for a pistol or revolver, issued pursuant to section
63 29-36f, if any, and the authorization number designated for the transfer
64 by the Department of Public Safety. The person, firm or corporation
65 selling such pistol or revolver or making delivery or transfer thereof
66 shall give one copy of the receipt to the person making the purchase of
67 such pistol or revolver or to whom the same is delivered or
68 transferred, shall retain one copy of the receipt for at least five years,
69 and shall send, by first class mail, or electronically transmit, within
70 forty-eight hours of such sale, delivery or other transfer, one copy of
71 the receipt to the Commissioner of Public Safety and one copy of the
72 receipt to the chief of police or, where there is no chief of police, the
73 warden of the borough or the first selectman of the town, as the case
74 may be, of the town in which the transferee resides.

75 (f) The provisions of this section shall not apply to antique pistols or
76 revolvers. An antique pistol or revolver, for the purposes of this
77 section, means any pistol or revolver which was manufactured in or
78 before 1898 and any replica of such pistol or revolver provided such
79 replica is not designed or redesigned for using rimfire or conventional
80 centerfire fixed ammunition except rimfire or conventional centerfire
81 fixed ammunition which is no longer manufactured in the United

82 States and not readily available in the ordinary channel of commercial
83 trade.

84 (g) The provisions of this section shall not apply to the sale, delivery
85 or transfer of pistols or revolvers between (1) a federally-licensed
86 firearm manufacturer and a federally-licensed firearm dealer, (2) a
87 federally-licensed firearm importer and a federally-licensed firearm
88 dealer, or (3) federally-licensed firearm dealers.

89 (h) If the court finds that a violation of this section is not of a serious
90 nature and that the person charged with such violation (1) will
91 probably not offend in the future, (2) has not previously been
92 convicted of a violation of this section, and (3) has not previously had a
93 prosecution under this section suspended pursuant to this subsection,
94 it may order suspension of prosecution. The court shall not order
95 suspension of prosecution unless the accused person has
96 acknowledged that he understands the consequences of the suspension
97 of prosecution. Any person for whom prosecution is suspended shall
98 agree to the tolling of any statute of limitations with respect to such
99 violation and to a waiver of his right to a speedy trial. Such person
100 shall appear in court and shall be released to the custody of the Court
101 Support Services Division for such period, not exceeding two years,
102 and under such conditions as the court shall order. If the person
103 refuses to accept, or, having accepted, violates such conditions, the
104 court shall terminate the suspension of prosecution and the case shall
105 be brought to trial. If such person satisfactorily completes his period of
106 probation, he may apply for dismissal of the charges against him and
107 the court, on finding such satisfactory completion, shall dismiss such
108 charges. If the person does not apply for dismissal of the charges
109 against him after satisfactorily completing his period of probation, the
110 court, upon receipt of a report submitted by the Court Support
111 Services Division that the person satisfactorily completed his period of
112 probation, may on its own motion make a finding of such satisfactory
113 completion and dismiss such charges. Upon dismissal, all records of
114 such charges shall be erased pursuant to section 54-142a. An order of

115 the court denying a motion to dismiss the charges against a person
116 who has completed his period of probation or terminating the
117 participation of a defendant in such program shall be a final judgment
118 for purposes of appeal.

119 (i) Any person who violates any provision of this section shall be
120 guilty of a class D felony, except that any person who sells, delivers or
121 otherwise transfers a pistol or revolver in violation of the provisions of
122 this section, knowing that such pistol or revolver is stolen or that the
123 manufacturer's number or other mark of identification on such pistol
124 or revolver has been altered, removed or obliterated, shall be guilty of
125 a class B felony, and any pistol or revolver found in the possession of
126 any person in violation of any provision of this section shall be
127 forfeited.

128 Sec. 2. (NEW) (*Effective October 1, 2007*) (a) On or after October 1,
129 2007, no person who is not a licensed firearms dealer shall purchase
130 more than one handgun within any thirty-day period, except as
131 provided in subsection (b) or (d) of this section. For the purposes of
132 this section, "handgun" means a "pistol" or "revolver" as such terms are
133 defined in section 29-27 of the general statutes.

134 (b) Purchases in excess of one handgun within a thirty-day period
135 may be made upon completion of an enhanced background check, and
136 a signed and sworn application to the Commissioner of Public Safety
137 on a form prescribed by the commissioner listing the number and type
138 of handguns to be purchased and transferred for lawful business or
139 personal use, in a collector series, for collections, as a bulk purchase
140 from estate sales and for similar purposes. Such application shall state
141 the purpose for the purchase above the limit, and shall include
142 satisfactory proof of residency and identity and shall be in addition to
143 the application required under section 29-33 of the general statutes, as
144 amended by this act. The Commissioner of Public Safety may adopt
145 regulations, in accordance with chapter 54 of the general statutes, for
146 the implementation of an application process for purchases of

147 handguns above the limit.

148 (c) Upon being satisfied that the requirements of subsection (b) of
149 this section have been met, the Commissioner of Public Safety shall
150 issue to the applicant a nontransferable certificate, which shall be valid
151 for seven days from the date of issue. The certificate shall be
152 surrendered to the dealer by the prospective purchaser prior to the
153 consummation of such sale and shall be kept on file at the dealer's
154 place of business to be made available for any inspection by an
155 authorized representative of the Department of Public Safety for a
156 period of not less than two years after the date of sale. Upon request of
157 any local law enforcement agency, the Commissioner of Public Safety
158 may certify such local law enforcement agency to serve as its agent to
159 receive applications and, upon authorization by the Commissioner of
160 Public Safety, issue certificates pursuant to this subsection. The
161 Commissioner of Public Safety shall make available to local law
162 enforcement agencies all records concerning certificates issued
163 pursuant to this subsection.

164 (d) The provisions of subsection (a) of this section shall not apply to:
165 (1) A law enforcement agency; (2) an agency duly authorized to
166 perform law enforcement duties; (3) state and local correctional
167 facilities; (4) a private security company licensed to do business within
168 the state; (5) the purchase of an antique handgun manufactured in or
169 before 1898; (6) a person whose handgun is stolen or irretrievably lost
170 who deems it essential that such handgun be replaced immediately.
171 Such person may purchase another handgun, even if the person has
172 previously purchased a handgun within a thirty-day period, provided
173 (A) the person provides the firearms dealer with a copy of the official
174 police report or a summary thereof, on forms provided by the
175 Commissioner of Public Safety, from the law enforcement agency that
176 took the report of the lost or stolen handgun; (B) the official police
177 report or summary thereof contains the name and address of the
178 handgun owner, the description of the handgun, the location of the
179 loss or theft, the date of the loss or theft, and the date the loss or theft

180 was reported to the law enforcement agency; and (C) the date of the
 181 loss or theft as reflected on the official police report or summary
 182 thereof occurred within thirty days of the person's attempt to replace
 183 the handgun. The firearms dealer shall retain a copy of the official
 184 police report or summary thereof not less than two years after the date
 185 of sale; (7) a person who trades in a handgun at the same time such
 186 person makes a handgun purchase and as a part of the same
 187 transaction, provided that no more than one transaction of this nature
 188 is completed per day; (8) a person who holds a valid Connecticut
 189 permit to carry a concealed handgun; (9) a person who purchases a
 190 handgun in a private sale, where for the purposes of this subdivision, a
 191 private sale means purchase from a person who makes occasional
 192 sales, exchanges or purchases of firearms for the enhancement of a
 193 personal collection of curios or relics, or who sells all or part of such
 194 collection of curios and relics; (10) a law enforcement officer; or (11) a
 195 person seeking the exchange or replacement of a handgun by a seller
 196 for a handgun purchased from such seller by the same person seeking
 197 the exchange or replacement within the thirty-day period immediately
 198 preceding the date of exchange or replacement.

199 (e) Any person who violates subsection (a) of this section shall be
 200 guilty of a Class A misdemeanor.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2007</i>	29-33
Sec. 2	<i>October 1, 2007</i>	New section

Statement of Purpose:

To reduce the number of illegal guns used in crimes by prohibiting the sale of more than one handgun a month.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. LOONEY, 11th Dist.; SEN. HARP, 10th Dist.
 REP. KIRKLEY-BEY, 5th Dist.

S.B. 938